

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CIVIL DIVISION
3:08cv589**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	DEFAULT JUDGMENT OF
v.)	FORFEITURE
)	
\$5,204.00 IN UNITED STATES)	
CURRENCY,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on the government's motion (Doc. No. 10) under Fed. R. Civ. P. 55(b)(2) for a default judgment of forfeiture against the defendant property.

THE COURT FINDS THAT:

1. A verified complaint for forfeiture in rem of the defendant property was filed on December 19, 2008. This Court found probable cause for forfeiture and issued a warrant for arrest in rem.

2. As to all persons in the world with potential claims to the defendant property, service of process was made by internet publication via www.forfeiture.gov as shown on the declaration filed herein on March 23, 2009. (Doc. No. 7).

3. Charles Prealeux Clark filed a claim and answer on February 3, 2009, within the time required by the complaint, the public notice, or Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. (Doc. Nos. 5, 6). Subsequently, Charles Prealeux Clark then filed a Notice of Voluntary Dismissal with Prejudice to all claims he has to the \$5,204.00 which is the subject of the above-captioned action. (Doc. No. 8).

4. The clerk entered default. (Doc. No. 11).

5. Based on the affidavit of Jennifer L. LaFortune, filed with the complaint, the government has shown probable cause to believe that the defendant property is proceeds of and/or was used or intended to be used to facilitate drug trafficking crimes, and that it is therefore subject to forfeiture under 21 U.S.C. § 881.

BASED ON THE FOREGOING FINDINGS, THE COURT CONCLUDES that the government is entitled to a judgment of forfeiture by default against the defendant property.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The government's motion for default judgment of forfeiture (Doc. No. 10) is hereby granted.
2. Any and all right, title and interest of all persons in the world in or to the following property is hereby forfeited to the United States; and no other right, title, or interest shall exist therein.
3. The United States is hereby directed to dispose of the forfeited defendant property as provided by law.

Signed: May 26, 2009



Robert J. Conrad, Jr.
Chief United States District Judge

